

**VENU AT GRAYHAWK CONDOMINIUM ASSOCIATION
BOARD OF DIRECTORS RESOLUTION REGARDING LOCKBOXES
EFFECTIVE 05/06/2018**

WHEREAS, the Venu at Grayhawk Condominium Association (“Association”) is governed by the Condominium Declaration for Venu at Grayhawk Condominium recorded in the Maricopa County Recorder’s Office at Recording Number 2004-0207062, and all amendments thereto (“Declaration”). The Declaration applies to the real property as described in the condominium plat for Venu at Grayhawk Condominium recorded in Official Records of Maricopa County, Arizona;

WHEREAS, all Common Elements, Limited Common Elements and Units within the Association are governed by the Declaration;

WHEREAS, Article 6, Section 6.3 of the Declaration allows the Association, through the Board of Directors, to adopt and enforce reasonable rules and regulations governing all parts of the Association, including the Common Elements, Limited Common Elements and Units;

WHEREAS, Article 2, Section 2.8(c) of the Declaration classifies the patio railings as Common Elements;

WHEREAS, Article 5, Section 5.1 of the Declaration, obligates the Association to maintain all Common Elements, and the funds used to maintain these Common Elements are a common expense derived from the Assessments;

WHEREAS, Article 2, Section 2.5 of the Declaration, specifies that each “Unit shall include all doors and windows within a perimeter wall”;

WHEREAS, Article 4.3.2 of the Declaration prohibits a Unit Owner from making any addition, alteration, or improvement to a Unit, “which would be visible from the exterior of a Building” without the prior written approval of the Board of Directors;

NOW, THEREFORE, based on the power authorized to the Board of Directors and the responsibilities of the Association to maintain the Common Elements and approve exterior modifications, the Board of Directors hereby adopts the following resolution and makes the provisions below part of the Association’s rules and regulations, concerning the Unit Owners, and their Real Estate agent, right to have a lockbox within the community:

LOCKBOXES

- 1. Unit Owners and/or their Invitees are prohibited from installing a lockbox on the Association’s Common Elements, including, but not limited to, the patio railings, utilities meters or other fixed portions of the Common Elements;**
- 2. Unit Owners and/or their Invitees, may change the door handle on the front door of their unit without the approval of the Board of Directors in order to accommodate a lockbox,**

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which may be installed when a unit is for rent or sale. However, after the Unit is rented or sold, the lockbox must be removed from the door handle;

3. A Unit Owner may be assessed a fine of \$250.00 if they themselves, or their Invitee, installs a lockbox in violation of this rule;
4. Any lockboxes installed in violation of this rule will immediately be removed from the Association's Common Elements, and the cost to repair any damage caused by the lockbox will be assessed against the Unit Owner; and
5. Nothing in this Policy will limit the Board of Directors right to seek an immediate legal remedy, at any time regardless of the presence or absence of notices hereunder, for any violation of this rule.

SUPPLEMENT FINE POLICY AND PROCEDURE FOR LOCKBOX VIOLATIONS

The following procedure and Fine Schedule shall be implemented and imposed on owners for violation of the above Lockbox Policy:

STEP ONE: All owners will receive a letter by regular mail indicating that lockboxes are illegal in any location other than on the door of the Unit and must be removed by **May 6th, 2018**, after which, Management will remove the lockbox. The change of lockbox policy will accompany this notice. (Since owners of lockboxes are not always identifiable, this mailed letter will serve as the First notice.) Email notifications will be sent in parallel to the mailing. Notifications will also be posted publicly in the Great Room

STEP TWO: Management will remove all lockboxes after the date indicated in the First Notice. Should the owner of a lockbox identify themselves to the concierge after removal of the lockbox, a \$250.00 fine will be assessed.

CONTINUING PROCEDURE: When a lockbox is located anywhere other than on the door handle of a Unit, the lock box will be tagged with a dated violation sticker. If it is known to which Unit the lockbox is associated, a courtesy call will be made to the owner and a \$250.00 fine will be assessed. If the lockbox is not removed within 48 hours of being tagged with the violation sticker, it will be removed. If the owner of a lockbox is not known and should the owner of a lockbox identify themselves to the concierge after removal of the lockbox, a \$250.00 fine will be assessed.

CONTINUING VIOLATIONS: If the violation reoccurs within six (6) months after the date of the first notice, and if the owner of the lockbox is known, the Association shall have the right to send fine notices in the amount of \$250.00 and/or take legal action, and/or send the account to an attorney for enforcement.

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INJUNCTIVE RELIEF: If a violation continues, the Board of Directors may request that Association's attorney file an action seeking Injunctive Relief against the Owner to cure the violation. However, nothing in this Fine Schedule limits the Board of Directors right to seek immediate Injunctive Relief at any time regardless of the presence or absence of notices or fines hereunder, for any violation that the Board of Directors determines in its sole and absolute discretion.

BOARD DISCRETION: Notwithstanding the above provisions of the violation schedule, the Board at its sole discretion, may at any time, assess a fine in an amount up to \$2,000 for any incident the Board deems to be egregious, dangerous, that may threaten the life, health, safety, or welfare of any person, resident or owner, or that cause detriment or damage to any Association or other Owner's property. The Board may levy this fine despite any past violation history or lack thereof.

The fines set forth in this Fine Schedule shall be considered to constitute damages sustained by the Association, and are intended to compensate the Association for the administrative burden of addressing the violation and the adverse impact of the violation on the community.

The Board of Directors also reserves the right to deviate from the fine amounts set forth herein if, after a hearing on the matter, the Board finds good cause to decrease the amount of the fine levied in a particular case. The Board also reserves the right to pursue any and all other remedies set forth in the Declaration at the same time or in lieu of levying the fines set forth in this Fine Schedule.

The Board of Directors reserves the right to take any action permitted by law or the CC&Rs, in addition to the above mentioned fine policy.

APPEAL PROCESS

Notes: This appeal process only applies to the fine, lockboxes will be removed.


- When a fine notice is sent to an Owner, such notice shall include a statement notifying the Owner that he/she has the "RIGHT OF APPEAL".
- When an Owner desires to appeal a violation, he/she must so notify the Management Company in writing within ten (10) days after the date of the violation notice.
- Appeals shall demonstrate extenuating circumstances which require deviation from the CC&Rs and/or guidelines.
- Appeal shall include all pertinent backup information to support the existence of the extenuating circumstance.
- All decisions of the Board of Directors are final and may not be further appealed.

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- Any appeal that does not meet the above requirements shall not be heard by the Board of Directors and shall be considered DENIED.
- The Owner appealing the violation will be given written notice that a hearing on the appeal is scheduled.
- The appeal shall be heard in Executive Session.
- The Board President will introduce all parties.
- Lengthy discussions are not a part of an appeal process.
- The Owner who is appealing will be asked to state their case and present any applicable documentation.
- Each Board Member will have the opportunity to ask the Owner specific questions regarding the appeal.
- Upon completion of the question and answer period, the Board President will state that the appeal has been heard and the Board of Directors will make their decision in closed session. Written Notice of the Board's decision will be delivered to the Owner within seven (7) working days.

A majority of the Board of Directors adopted the above resolution at a duly called meeting of the Board of Directors on this 31 day of APRIL, 2018.

Venu at Grayhawk Condominium Association, Inc.

By: 
Its: President